

Keller | Postman

April 7, 2023

VIA ECF

The Honorable Denise L. Cote
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re. *In Re: Acetaminophen – ASD–ADHD Products Liability Litigation*, Case No. 1:22-md-03043 (S.D.N.Y.) – Motion to File Under Seal
This Document Relates To: All Cases

Dear Judge Cote:

Plaintiffs submit this letter to request that an exhibit be filed under seal pursuant to the Protective Order, Dkt. 351 (the “Protective Order”), and Rule 8-B of the Court’s Individual Practices. Specifically, Plaintiffs respectfully request to file under seal Exhibit 2 in support of Plaintiffs’ Letter to the Court regarding Plaintiffs’ Proposed Language for Acetaminophen Labels.

The parties’ stipulated Protective Order prohibits Plaintiffs from disclosing publicly documents that have been designated “Confidential Information” by a producing party. Johnson & Johnson Consumer Inc. (“JJCI”) designated the documents contained in Exhibit 2 in support of Plaintiffs’ Proposed Language for Acetaminophen Labels, APAP-JJCI-0000173931-48, as “Highly Confidential – Subject to Protective Order.” Plaintiffs agree that these documents contain “trade secret[s] or other confidential research, development, or commercial information” subject to the protection of Federal Rule of Civil Procedure 26(c)(1)(G) because Exhibit 2 contains JJCI’s proprietary business communications and information. *See Kewazinga Corp. v. Microsoft Corp.*, No. 1:18-CV-4500-GHW, 2021 WL 1222122, at *3 (S.D.N.Y. Mar. 31, 2021). Accordingly, the documents contained in Exhibit 2 should be filed under seal.

Pursuant to the Protective Order and Rule 8-B of the Court’s Individual Practices, Plaintiffs will contemporaneously file the proposed sealed documents under seal in the ECF system and electronically relate those documents to this letter-motion.

Granted. Denise Cote
4/11/23

Respectfully submitted,

/s/ Ashley Keller
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